



Orrick Docket No.: 701470.4084

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Louis J. Barbato

Serial No.: 10/690,948

Filed: October 21, 2003

For: Electronically Scanned Optical Coherence
Tomography with Frequency Modulated
Signals

Group Art Unit: not yet assigned

Examiner: Not yet assigned

INFORMATION DISCLOSURE STATEMENT

Mail Stop Non-Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement (“IDS”) are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be “material” pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

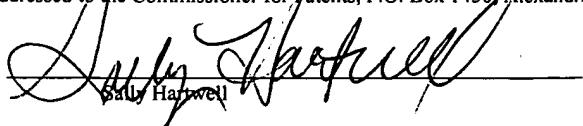
INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR §

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 12, 2003
Date of Deposit
DOCSOC1:143417.1


Sally Harwell

1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
 - The fee due under 37 CFR § 1.17(p) is submitted herewith.
 - A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

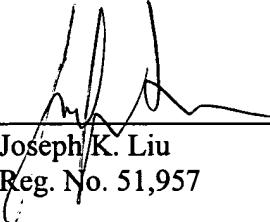
- Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

A check in the amount of _____ is enclosed for the above fee(s).
 Please charge _____ to Deposit Account No. **15-0665** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. **15-0665**.

Respectfully submitted,
Orrick, Herrington & Sutcliffe LLP



Joseph K. Liu
Reg. No. 51,957

Dated: November 12, 2003

By:

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO				Complete if Known	
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <small>(use as many sheets as necessary)</small>				Application Number	10/690,948
				Filing Date	October 21, 2003
				First Named Inventor	Louis J. Barbato
				Group Art Unit	not yet assigned
				Examiner Name	not yet assigned
Sheet	1	of	2	Attorney Docket Number	701470.4084

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ²			
	1.	5,830,145		Tenhoff	11-03-1998	
	2.	5,892,583		Li	04-06-1999	
	3.	5,904,651		Swanson, et al	05/1999	
	4.	5,943,133		Zeylikovich, et al.	08-24-1999	
	5.	5,949,929		Hamm	09-07-1999	
	6.	6,006,128		Izatt, et al.	12-21-1999	
	7.	6,141,577		Rolland, et al	10-31-2000	
	8.	6,134,003		Tearney, et al	10-17-2000	
	9.	6,198,540		Ueda, et al.	03-06-2001	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
	10.	EP	0 578 400	A2	Hewlett-Packard Company	01-12-1994		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials'	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.						T ²
	11.	LightLab Imaging, LLC, "Advantages of OTC" and "What is OCT?" <i>LightLab™ Optical Coherence Tomography</i> , http://www.lightlabimaging.com/ , © 2000, 3 pgs.						
	12.	ZEYLIKOVICH, I., et al., "Nonmechanical Grating-Generated Scanning Coherence Microscopy", <i>OPTICS LETTERS</i> , Vol. 23, No. 23, Dec. 1, 1998, pp. 1797-1799.						
	13.	"Optical Coherence Tomography: Principles, Instrumentation and Applications", Abstract only, presented at IEEE Society XXIst Australian Conference on Optical Fiber Technology, Dec. 1996, Brisbane, Australia, 4 pgs.						
	14.	JIANG, YUAN, "IV.12 – Avalanche Photodiodes (APD's)?" <i>The Unusual Diode FAQ</i> , Avtech Electrosystems Ltd., http://www.avtechpulse.com/faq.html/IV.12/ , undated, 3 pgs						
	15.	PITRIS, C., et al., "High Resolution Imaging of Neoplastic Changes in Gynecological Tissue Using Optical Coherence Tomography", Abstract only, <i>American Society of Clinical Oncology</i> , © 1998, http://www.asco.org/prof/me/html/98abstracts/gync/m_1434.htm						
	16.	KUZ'MINOV, YU S., <i>Lithium Niobate Crystals</i> , Abstract and Contents only, May 1999, 180 pgs. http://www.demon.co.uk/cambsci/book10.htm						

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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		Number	Kind Code ²			
17.	6,381,490			Ostrovsky	04/2002	
18.	6,485,413			Boppart, et al.	11/2002	
19.	6,522,913			Swanson, et al.	02/2003	
20.	6,529,770			Grimblatov	03/2003	
21.						
22.						
23.						
24.						
25.						

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Office ³	Number ⁴	Kind Code ⁵				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials ⁶	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

Examiner Signature	Date Considered
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¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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